GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – State and Subordinate Services – 33 1/3 % reservation for Women in Direct Recruitment to Public Services – Methodology to follow Horizontal Reservation - Implementation of Hon'ble Supreme Court Directions - Orders – Issued.

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DEPT. FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & SENIOR CITIZENS (Prog.II).

G.O.Ms.No.40 Dated:25-07-2016.

Read the following:

(1) G.OMs.NO.99, G.A(Ser.D) Dept., Dt:08-03-1996.
(2) G.O.Ms.No.41, WD & CW(Estt) Department, dt:01-08-1996.
(3) G.O.Ms.No.56, WD & CW(Estt..) Dept., Dt:28-10-1996.
(4) Judgment of Supreme Court in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others etc reported in(2007) 8 SCC 785.

ORDER:-

In the G.O first read above, orders were issued for implementation of rule of reservation to the extent of 33 1/3% to Women in each category of O.C, B.C-A, B.C-B, B.C-C, B.C.D, S.C., S.T., physically handicapped and Ex-Servicemen quota in the matter of Direct Recruitment for the posts, for which women and men are equally suited.

2. In the G.O. second read above, orders were issued fixing the roster points for women in the existing 100 point roster in terms of General Rule 22 of the Andhra Pradesh State and Subordinate Service Rules.

3. In the G.O. third read above, orders were issued for carry forward principle in favour of women in respect of reservation to the Government jobs on par with Scheduled Castes, Scheduled Tribes and Backward Classes and other castes.

4. In the reference fourth read above, the Supreme Court, in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8) SCC 785] held that,

> 'Social reservations in favour of SC, ST and OBC under Article 16(4) are '*vertical reservations*'. **Special reservations in favour of** physically handicapped, **women,** etc. under Articles 16(1) or 15(3) are '***horizontal reservations***''. Where a vertical reservation is made in favour of a Backward Class under Article 16(4), the candidates belonging to such Backward Class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for the respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs stood filled. The entire reservation quota will be intact and available in addition to those selected under open competition category.
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> But the said principle applicable to vertical (social) reservations, will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservation for SCs, the proper procedure is first to fill up the quota for SCs in order of merit and then find out the number of candidates among them who belong to the special reservation group of 'Scheduled Caste Women''. If the number of women in such list is equal to or more than number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there

is any shortfall, the requisite number of Scheduled Caste Women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes'.

The same view was taken by the Apex Court in its judgment in Public Service Commission, Uttaranchal vs. Mamta Bisht (2010(12)SCC 204)

5. Government after careful consideration of the matter hereby decided to implement the Supreme Court Judgement for providing 33 1/3% reservation to Women horizontally, in each category i.e, OC, BC-A, BC-B, BC-C, BC-D, BC-E, SC, ST, Physically Handicapped, Ex-serviceman and meritorious sportsperson, in the matter of direct recruitment to the posts, for which men and women are equally suited.

6. Accordingly, Government hereby issue orders providing 33 1/3% reservation to Women horizontally, in each category i.e, OC, BC-A, BC-B, BC-C, BC-D, BC-E, SC, ST, Physically Handicapped, Ex-serviceman and meritorious sportsperson, in the matter of direct recruitment to the posts, for which men and women are equally suited, by superseding the earlier orders issued in the matter.

7. All the recruitment agencies under the Government and the Government undertakings, Quasi Government Institutions including Government Aided Institutions and Local Bodies whose services are governed by the Andhra Pradesh State and Subordinate Service Rules, are directed to ensure that the reservation for women is implemented scrupulously, any deviation or lapse in this regard will be viewed seriously.

8. Necessary amendments to the Andhra Pradesh State and Subordinate Service Rules will be issued separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.(Smt.)POONAM MALAKONDAIAH,
PRINCIPAL SECRETARY TO GOVERNMENT (FAC).

To
All the Departments of Secretariat.
All the Heads of Departments.
All the District Collectors.
All the District Judges.
The Secretary, Andhra Pradesh Public Service Commission, AP
The Registrar(Admn), High Court, Andhra Pradesh
The Accountant General, Andhra Pradesh
General Administration(Ser) Department(With a request to make necessary amendment to the Andhra Pradesh State and Subordinate Service Rules)
The Scrutiny Cell of Law Department, Andhra Pradesh

Copy to:-

J.S to CM, CM Office.
P.S to Minister (WCD &SC).
PS to Chief Secretary to Govt.,.
P.S to Prl.Secy to Govt., WCDA & SC Dept., AP
The Special Commissioner, Women Development & Child Welfare Department, AP.
SF/SC.

//FORWARDED :: BY :: ORDER//

SECTION OFFICER.